

**BY-LAWS
FOR
THE LEWIS AND CLARK COUNTY
CITIZENS ADVISORY COMMITTEE ON OPEN SPACE**

Adopted August 11, 2009

Amended August ____, 2014

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ARTICLE I

NAME AND LOCATION

Section 1. Name

The name of this Committee shall be the Lewis and Clark County Citizens Advisory Committee on Open Space (hereinafter referred to as the Committee).

Section 2. Location & Mailing Address

The Committee staff offices are located at the City-County Building, 316 North Park Avenue, Helena, Montana, 59632.

ARTICLE II

DEFINITION OF TERMS

Section 1. Definitions

- A. **Applicant:** A landowner or other property interest holder, in partnership with a Qualified Private Organization defined under § 76 -6-104(5), MCA, who submits an application requesting bond funds.
- B. **Committee:** The Lewis and Clark County Citizens Advisory Committee on Open Space.
- C. **County:** Lewis and Clark County.
- D. **County Commission:** The governing body of Lewis and Clark County.
- E. **Growth Policy:** The Lewis and Clark County growth policy as adopted by the County Commission and as defined by § 76-1-601, MCA.
- F. **MCA:** Montana Code Annotated.
- G. **Open-Space Land/Open Land:** Defined under § 76-6-104, MCA, and including but not limited to working lands, such as working farms, ranches and forest, and land for protecting water and wildlife in the County.
- H. **Planning Area:** Areas identified in the Lewis & Clark County Growth Policy as being distinct communities based on physical geography, school districts, fire protection districts, and general sense of community. The six designated planning areas are Augusta, Wolf Creek-Craig, Lincoln, Canyon Creek-Marysville, Canyon Ferry-York, and Helena Valley.
- I. **Planning Department:** The Lewis and Clark County Department of Community Development and Planning, and the local planning authority under § 76-6-206, MCA.

J. **Quorum:** A majority of Committee members presently appointed.

ARTICLE III

AUTHORITY, PURPOSE, POWERS AND DUTIES

Section 1. Authority

The Committee is authorized under the “Open-Space Land and Voluntary Conservation Easement Act,” §§ 76-6-101 through 76-6-212, MCA. Resolution No. 2008-97 (3153419, Book M38, Page 8475) and the passage of the open-space bond measure at the November 4, 2008, election provided for “the creation of a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board [of County Commissioners].” The Committee was created on December 30, 2008, through the appointment of members by the County Commission.

Section 2. Purpose

The purpose of the Committee is to facilitate the use the County open-space bond toward any one or more of the following reasons as set forth on the ballot:

- A. Protecting drinking water sources and ground water quality;
- B. Protecting water quality in and along rivers and streams;
- C. Conserving working farm, ranch and forest lands;
- D. Protecting wildlife areas;
- E. Preserving open lands and natural areas;
- F. Providing for recreation; and
- G. Managing growth and development.

Section 3. Powers and Duties

- A. The Committee has all powers and duties vested in it by Montana law and the ballot measure.
- B. The Committee has a duty to make recommendations to the County Commission on the expenditure of open-space bond funds.

- C. The Committee shall develop a process that includes public input and written criteria for reviewing the applications. These criteria shall be in coordination with the County's growth policy or other comprehensive planning.
- D. The Committee shall act in an advisory capacity to the County Commission. The Committee shall recommend to the County Commission approval or denial of an application for bond funding. Approval or denial shall be determined using the criteria referred to above in Section 3C and by a two-thirds majority vote of the full Committee then sitting. This recommendation shall be submitted to the County Commission in writing not later than 10 working days after the Committee action.
- E. The Committee may form subcommittees to make specific policy, outreach and other recommendations to the Committee.

ARTICLE IV

JURISDICTIONAL AREA

The Committee has jurisdiction within Lewis and Clark County, including cities and other incorporated areas.

ARTICLE V

COMPOSITION AND TERMS OF APPOINTMENT

Section 1. Composition

The County Commission may appoint a maximum of 13 members. Priority consideration for membership shall be based on one member being appointed from each of the six Planning Areas of the County; and four members should be selected based on their being representative of farming, ranching, and timber interests of the County; and the remaining members are to be at large appointments from any area of the County. Although the County will give priority and preference to recruiting and appointing individuals from the Planning Areas and key stakeholders as indicated, the Commission will use its discretion based on available applicants to ensure an adequate number of members to fulfill the duties of the Committee. All members shall be voting members.

Section 2. Qualifications

All Committee members shall be residents of and qualified electors in Lewis and Clark County.

Section 3. Terms of Membership

Members serve at the will of the County Commission. Upon adoption of these Bylaws, all members shall draw initial terms of 1, 2 or 3 years. Initially, there shall be 4 one-year terms, 4 two-year terms, and 5 three-year terms. Upon expiration of an initial term, terms shall be

three years. Members may serve successive terms. A member may request reappointment by the County Commission. In the event a member resigns or is removed before the end of his term, the County Commission may appoint a new member to serve the remaining unexpired term.

Section 4. Absences and Removal

- A. Members shall inform the Chair at least one day prior to a meeting of their inability to attend a Committee meeting.
- B. Upon five or more absences by a member from regularly noticed meetings during a calendar year, the Committee may request the County Commission to remove that member.

ARTICLE VI

COMMITTEE OFFICERS, TERMS, AND DUTIES

Section 1. Officers

The officers of the Committee are the Chair, Vice Chair and Secretary.

Section 2. Election of Officers

The Chair, Vice Chair and Secretary shall be elected by a majority quorum at the first regular scheduled meeting. Officer elections shall be held July 1 of each year.

Section 3. Terms of Office

The terms of all officers shall commence on the first meeting following their election. All officers shall serve a term of one year. Any officer may serve for successive terms.

Section 4. Committee Chair

The Chair presides over all regular and special meetings of the Committee. The Chair signs documents and communications on behalf of the Committee. The Chair has the authority to appoint Committee members to subcommittees. The Chair may cancel a regular or special meeting when member absences prevent there from being a quorum.

Section 5. Committee Vice Chair

In the absence of the Chair, the Vice Chair has such responsibilities and authorities provided in Art. VI, Section 4 of these Bylaws. The Vice Chair shall be responsible for assuring that these Bylaws are reviewed annually.

Section 6. Committee Secretary

In the absence of the Chair and the Vice Chair, the Committee Secretary has such responsibilities and authorities provided in Art. VI, Section 4 and 5 of these Bylaws. The Committee Secretary shall be responsible for keeping minutes at each meeting, or coordinating with Committee staff to keep minutes, post those minutes online, and post notice of all meetings online.

Section 7. Office Succession

If the office of the Chair becomes vacant, then the Vice Chair shall become Chair immediately and shall complete the unexpired term. The Committee shall elect a new Vice Chair at the next regular meeting following the vacancy. The new Vice Chair shall complete the unexpired term.

Section 8. Officer Absences

If the Chair, Vice Chair and Secretary are absent from any meeting, a Committee staff person shall call the meeting to order. A vote shall take place to elect a temporary Chair for the meeting. The nominated member who receives votes of the majority of the quorum shall be the temporary chair.

Section 9. Removal of Officers

A motion to remove the Chair, Vice Chair or Secretary may be made at any meeting. If the majority of the quorum concurs, the removal of the officer shall appear on the agenda of the next regularly scheduled meeting. A vote of a majority quorum is required to remove an officer.

ARTICLE VII

OPEN MEETINGS, PUBLIC PARTICIPATION, AND STAFF

Section I Open Meetings

- A. All Committee meetings (regular, special, and subcommittee) and work sessions shall be open to the public.
- B. **Public v. Private.** Independently or upon the request of an applicant, the Committee may close a meeting or a portion of a meeting to the public but may do so only after County legal staff approval and a two-thirds majority quorum determines that the privacy interests of a citizen or Committee member outweigh the public's right to know. The noticed agenda shall include reference to the closed meeting or the closed portion of a meeting.
- C. **Agenda.** All open meetings shall have an agenda. Suggested agenda items for any open meeting may be accepted until 5:00 p.m. two days prior to the date of the meeting to

allow time for public notice. Agendas shall be electronically mailed to each member of the Board not later than two days prior to the meeting date. Hard copies shall also be made available to the Committee and the public at the time of the open meeting.

- D. **Notice.** All open meetings shall be noticed not less than two days prior to the open meeting. The notice shall include the open meeting's date, time, location and agenda. Notice of an open meeting is not required if the date, time, location, and purpose of the open meeting has been fixed in a regular meeting more than two days before the open meeting. Two days notice of a special meeting is not required if it is a continuation of a regular meeting with no new agenda items.
- E. **Order of Business.** All open meetings shall be conducted in accord with the following Order of Business unless the Committee determines by a majority of the quorum vote to follow some different procedure:
1. Roll call (determination that a quorum is present);
 2. Approval of minutes;
 3. Agenda (see Art. VII, Section I, C and F);
 4. Additional public comment (The public may address the Committee on any item not appearing on the agenda but within the jurisdiction of the Committee. The Committee shall not respond to public comment about issues not on the agenda.);
 5. Announce next meeting (date, time, and location).
- F. **Agenda Item Procedure.** All agenda items shall be heard according to the following procedure unless the Committee determines by a majority of the quorum vote to follow some different procedure:
1. The Committee shall first hear a report on the agenda item from the Committee staff and/or the relevant subcommittee.
 2. The Committee shall then hear and receive written or oral comments from the public on that agenda item.
 3. Any person wishing to speak a second time may do so only with the permission of the Chair or with the approval of a majority of the Committee.
 4. The Committee, or any member, may at any time question any staff, applicant, or member of the public about statements, comments, or testimony.
 5. After hearing any and all statements, comments, and testimony, the Chair may close the public comment portion of the meeting for that agenda item.

6. After closure and such discussion as may be appropriate, the Committee may move and vote upon that agenda item.
- G. **Robert's Rules.** Where Montana law and these Bylaws are silent, Robert's Rules of Order (1990 Ed.; Scott, McMillan, Publishers) shall apply.
- H. **Official Action.** The Committee shall not take action on any item not listed on the noticed agenda. Committee action is not official unless authorized by a majority of the quorum at a properly noticed open meeting. The official action recommending a bond expenditure to the County Commission shall require a two-thirds majority vote of the full Committee then sitting.
 - I. **Proxy Votes.** A vote of an absent member shall be accepted by proxy if provided in writing to the Chair or County staff prior to the meeting in which the vote takes place.
- I. **Public Records.** All Committee records shall be available for public inspection during normal business hours at the Planning Department.
- J. **Quorum.** A quorum is required for regular and special meetings but not for work sessions or subcommittee meetings.
- K. **Regular Meetings.** The Committee shall hold regular meetings at least once a month. The occurrence of regular meetings shall be posted on the County's and Committee's website. The Committee may, by resolution and prior 2 days' posted public notice, designate another meeting time and place for regular meetings.
- L. **Special Meetings.** A special meeting is any meeting of the Committee other than a regular meeting, subcommittee meeting, or a work session. The Committee Staff may independently, or upon request of either two Committee members or the Chair, call a special meeting. A special meeting may be a continuation of a regular meeting in which time ran out to address certain agenda items. A special meeting that is a continuation of a regular meeting with no new agenda item does not require two days notice.
- M. **Work Sessions.** A work session is an open meeting when the Committee may discuss issues including but not limited to those related to scheduling or process, specific applications, or general procedural items. The Committee shall participate in at least one annual work session with the County Commission. The Committee may adopt a procedure for work sessions that is less formal than that prescribed for open meetings; however, an agenda and notice are always required. A quorum is not necessary to conduct a work session. If the work session contains less than a quorum, no official action can be taken. A field trip to the site of an application shall be considered a work session.

- N. **Subcommittee Meetings.** Subcommittee meetings shall be conducted according to the same rules that pertain to special meetings; however, no quorum is required and if the subcommittee meeting contains less than a quorum, no official action can be taken.

Section 2. Public Participation

- A. Any citizen may comment or provide testimony on any item on the agenda and any item not appearing on the agenda but within the jurisdiction of the Board.
- B. Public comment may be made in writing in addition to or in the alternative to oral comment.
- C. Persons providing testimony shall provide their name and address.
- D. The Committee may institute reasonable time limits for oral comment.

Section 3. Role of Staff

The staff for the Committee shall:

- A. In collaboration with the Committee Secretary, record and keep minutes of Committee meetings and work sessions.
- B. Administer the affairs of the Committee in accord with these Bylaws and policies of the County.
- C. Recommend policies to accomplish the duties and objectives of the Committee.
- D. Prepare correspondence, official notices, and agendas:
 - 1. For regular meetings, each Committee member shall be notified by mail or electronically not later than (Wednesday) six days prior to the regular meeting date. Staff shall post public notice not less than 48 days hours prior to the time of the regular meeting.
 - 2. For any other meeting or work session, each Committee member shall be notified by mail or electronically not less than 48 hours prior to the time of the special meeting or work session, unless notification occurred during the previous regular meeting.
 - 3. Staff shall post public notice not less than 48 hours prior to the time of the meeting or work session, unless notice was provided during the previous regular meeting.

- E. Report the progress and status of any program or project for which the Committee has responsibility, and any changes in local, state, or federal guidelines, rules, regulations, or laws that may affect any of the Committee's programs or status.
- F. Provide for staff presentations.
- G. Prepare a minute's summary of the Committee's regular, special, and subcommittee meetings.

ARTICLE VIII

MISCELLANEOUS

Section 1. Legal Assistance

The Committee may seek or request legal assistance from the County Attorney's Office.

Section 2. Conflict of Interest

Any member(s) having a financial or personal interest in any matter before the Committee for discussion or vote shall publicly disclose the nature and extent of such interest. The Committee may discuss the disclosed conflict. The disclosing member, if warranted, may remove or recuse him or herself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged, and whether the Committee member(s) was absent during the discussion and voting.

Section 3. Travel

With the exception of field trips to the site of an application, travel of any Committee member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Committee must be authorized by the County Commission and approved by the Committee. Upon return, the Committee member shall submit a written summary of the expenditures and activities.

Section 4. Adoption of Plans and Studies

The Committee shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, what necessitated its preparation, the findings of fact that support its adoption, and the recommendation to the County Commission relative to action necessary to implement the objects of the plan or study.

Section 5. Amendments to Bylaws

Amendments to these Bylaws may be initiated by any member of the Committee. Such amendments must be submitted in writing at a regular meeting and approved by a two-thirds majority vote of a quorum.

Section 6. Annual Review of Bylaws

These Bylaws shall be reviewed on an annual basis.

Section 7. Repeal of Previous Bylaws

These Bylaws repeal and supersede any and all previous Bylaws adopted or amended by the Committee and approved or amended by the County Commission.